



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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INTERNATIONAL BUREAU CLARIFIES REQUIREMENTS FOR FILING SATELLITE LICENSE APPLICATIONS

Report No. SPB-188

This Public Notice is to clarify the International Bureau's policy with respect to applications for multiple geostationary satellite-orbit (GSO) satellites.

Under Section 25.114(a) of the Commission's current rules, applicants may request multiple GSO satellite authorizations in a single satellite application.¹ This provision of Section 25.114(a) will not be affected when the rule revisions adopted in the *First Space Station Reform Order* take effect.² However, in the *Third Space Station Reform Order*, the Commission revised Section 25.114(a) to reflect that it had eliminated the fungibility policy.³ As a result, applicants will no longer be able to request multiple GSO satellite authorizations in a single satellite application once this Order takes effect. The effective date of the *Third Space Station Reform Order* is 30 days after a summary of the Order is published in the Federal Register, or upon approval of the revisions to Schedule S by the Office of Management and Budget pursuant to the Paperwork Reduction Act, whichever is later.

Until the *Third Space Station Reform Order* takes effect, applicants may continue to request multiple GSO satellite authorizations in a single satellite application. Doing so, however, may have several consequences. First, the new fee refund provisions provide for refunds only upon withdrawal of a satellite application, and only under limited circumstances.⁴ There is no provision for a fee refund when an application is amended to eliminate one or more orbit location requests, regardless of whether the amendment is characterized as an amendment, a "partial withdrawal," or anything else. Second, if a

¹ 47 C.F.R. § 25.114(a).

² Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order*, IB Docket No. 02-34, 18 FCC Rcd 10760, 10889 (2003) (*First Space Station Reform Order*).

³ Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order*, IB Docket No. 02-34, FCC 03-154 (released July 8, 2003) (*Third Space Station Reform Order*) at para. 40, *erratum*, DA 03-2402 (released July 23, 2003). For more on the fungibility policy, see *First Space Station Reform Order*, 18 FCC Rcd at 10820-22 (paras. 155-59).

⁴ *First Space Station Reform Order*, 18 FCC Rcd at 10888 (new Section 1.1113(d)).

multiple-satellite application is not substantially complete with respect to any of its requested orbit locations, and the application does not clearly identify the technical information to be associated with each orbit location, the Commission may dismiss the application with respect to all orbit locations.⁵ Finally, multiple-GSO satellite applications may require some additional review time before they can be posted in the Queue Report on the Commission's IBFS web site. Nevertheless, the application's priority relative to other applications will be based on its filing time, not the time the application is posted.

⁵ See *First Space Station Reform Order*, 18 FCC Rcd at 10852 (para. 244) (applications must be substantially complete when filed), 10889 (new Section 25.116(b)(5)) (amendments to defective applications will not be considered).